

Ordinance No. 1346

AN ORDINANCE authorizing the owners of premises numbered 703 South Fairfax Street, and their successors in title, to maintain an encroachment in, upon and over the public right of way of Franklin Street, one of the public streets in the City of Alexandria, Virginia.

WHEREAS, David M. French and Mary S. French are the owners of premises known as 703 South Fairfax Street in the City of Alexandria, Virginia; and

WHEREAS, the owners propose to encroach into the right of way of Franklin Street by installing a picket fence and hedge along a line ten feet (10') within the southern line of said right of way for a distance equal to the owners' frontage on Franklin Street; and

WHEREAS, it is determined that the said encroachment is not detrimental to the public interest; therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That David M. French and Mary S. French, and their successors in title be and they hereby are authorized to construct and maintain the encroaching fence and hedge, said encroachment being more particularly described as follows:

Beginning at a point at the southwest corner of Franklin and South Fairfax Streets, thence north along a line constituting an extension of the west line of South Fairfax Street for a distance of ten feet (10') to a point in the Franklin Street right of way, thence west along a line parallel to the south line of Franklin Street for a distance of fifty-three and one half feet (53.50') to a point in the Franklin Street right of way, thence south along a line parallel to the line constituting an extension of the west line of South Fairfax Street for a distance of ten feet (10') to a point on the south line of the Franklin Street right of way, said point also marking the northwest corner of the owners' lot, thence east along the south line of Franklin Street, a distance of fifty-three and one half feet (53.50') to the point of beginning.

The authorization granted by this ordinance shall be effective until the said encroachment is removed or destroyed,

provided this authority shall not be construed to relieve the owners of any negligence on their part on account of such encroachment, and subject to the hereinafter contained provisions.

Section 2. That the privilege hereby granted to construct and maintain this encroachment shall be subject to the maintaining by the owners of the encroachment of public liability and property damage insurance indemnifying the City of Alexandria, such policy to be presented to the City Attorney for approval.

Section 3. That the construction and use of the encroachment pursuant to the authority hereby granted shall be considered an agreement by the said owners, their successors and assigns to save harmless the City of Alexandria from any liability by reason of the construction, use or maintenance of the said encroachment.

Section 4. That the privilege hereby granted to construct and maintain the encroachment, as aforesaid, shall be terminated and extinguished whenever the City of Alexandria shall need that portion of the public right of way for street widening or for any other public purpose and shall, by written notification, demand from the owners of the subject property the removal of such encroachment, which said removal shall be completed promptly and without cost to the City of Alexandria.

Section 5. That this ordinance shall be published in a newspaper of general circulation in the City not later than five days following its introduction together with a notice containing the time and place for a public hearing. The Clerk of the Council shall note the date of introduction and first reading, the date of publication, the date of the public hearing, and the date of the second reading and final passage in the minutes of the meeting. This ordinance shall become effective the date of its final passage.

FRANK E. MANN
Mayor

Final Passage: June 22, 1965